

RICHARDS  
LAYTON &  
FINGER

Kelly E. Farnan  
302-651-7705  
Farnan@rlf.com

May 25, 2011

**BY E-FILING**

The Honorable Sue L. Robinson  
United States District Court  
J. Caleb Boggs Federal Building  
844 North King Street  
Wilmington, DE 19801

**Re: *In re Cyclobenzaprine Extended Release Capsule Patent Litigation,***  
**09-MD-2118**

Dear Judge Robinson:

I write on behalf of Defendant Anchen Pharmaceuticals, Inc. ("Anchen") in response to Plaintiffs' and Defendant Mylan's letter of May 24, 2011 (D.I. 295) proposing competing briefing schedules for their appeal to the Federal Circuit.

Anchen understood the Court to require a joint letter from all parties suggesting the most efficient way to get the case up on appeal. Anchen, however, was not consulted by Plaintiffs or Mylan prior to the filing of Plaintiffs' and Mylan's May 24, 2010 letter. We presume that Anchen was not consulted because Plaintiffs no longer intend to appeal the Anchen final judgment. In any event, given that Plaintiffs have stated that they do not intend to appeal the determination of noninfringement, it is Anchen's position that there is no other judgment or order from which an appeal is even possible. Therefore, Anchen, at least based on the facts to date, would oppose an effort to expedite any appeal of the Anchen judgment or to join any such appeal with an expedited appeal in the Mylan/Barr case.

Respectfully,

/s/Kelly E. Farnan

Kelly E. Farnan

KEF/th

cc: John C. Phillips, Jr., Esq. (via CM/ECF)  
Richard L. Horwitz, Esq. (via CM/ECF)  
William Marsden, Esq. (via CM/ECF)

